



3711
JFW

Appl. No. : 09/882,627
Confirmation No. : 8478
Applicant : John G. Ciesar, et al.

I, Heather M. Pishko, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Heather M. Pishko

Signature

Filed : June 15, 2001
Title : BATTING SWING TRAINER
AND METHOD

September 21, 2004

Date of Signature

TC/A.U. : 3711
Examiner : Mitra Aryanpour

Docket No. : 205557-0008

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL AMENDMENT

Sir:

The last official action issued in this case on October 6, 2003. A response was filed April 2, 2004. The attached preliminary amendment was filed in related application no. 10/407,284 on August 25, 2004.

A copy of the preliminary amendment filed in related application no. 10/407,284 is enclosed for the information of the Examiner. It is believed that the information provided in the preliminary amendment bears on the patentability of this application as well. It is therefore respectfully requested that the information in that preliminary amendment and accompanying materials be considered by the Examiner in her action responsive to the April 2, 2004 amendment in this case.

Respectfully submitted,

Barry W. Sufrin
Reg. No. 27,398

Docket No.: 205557-0008
Michael Best & Friedrich LLP
401 North Michigan Avenue
Suite 1900
Chicago, Illinois 60611
(312) 222-0800

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 3711

In re

Patent Application of

John G. CIESAR, et al.

Application No. 10/407,284

Confirmation No.: 2270

Filed: April 4, 2003

Examiner: Mitra Aryanpour

“BATTING SWING TRAINER AND
METHOD ”

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

Applicant claims small entity status.

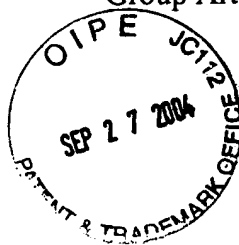
The fee has been calculated as shown below.

CLAIMS AS AMENDED							
	(1)	(2) CLAIMS REMAINING AFTER AMENDMENT	(3)	(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
	TOTAL CLAIMS	9	MINUS	33	0	X \$9	0.00
	INDEP. CLAIMS	1	MINUS	3	0	X \$43	0.00
					TOTAL ADDITIONAL FEE FOR THIS AMENDMENT ----□		0.00

No additional fee is required.

In the event Applicant has overlooked the need to request an extension of time, please consider this a request for the same.

Charge or credit Deposit Account No. 50-1965 with any shortage or overpayment of the fees associated with this communication. A duplicate copy of this sheet is enclosed.



I, Heather M. Pishko, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

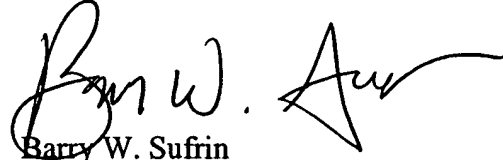
Heather M. Pishko

Signature

August 25, 2004

Date of Signature

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry W. Sufrin", with a long, sweeping horizontal line extending to the right.

Barry W. Sufrin
Reg. No. 27,398

File No. 205557-9008

Michael Best & Friedrich LLP
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Appl. No. : 10/407,284
Confirmation No. : 2270
Applicant : John G. CIESAR, et al.

Filed : April 4, 2003
Title : BATTING SWING TRAINER
AND METHOD

I, Heather M. Pishko, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Heather M. Pishko
Signature

August 25, 2004
Date of Signature

TC/A.U. : 3711
Examiner : Mitra Aryanpour

Docket No. : 205557-9008

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Sir:

In response to the first official action in this case, mailed June 4, 2004, applicant elected to pursue claims 24 and 26 – 33. These claims are directed to a process for teaching a person the proper technique for swinging a baseball bat using a unique batting swing trainer with certain structural features including:

- a. A shaft with first and second ends and a constant diameter between the ends;
- b. A first handle sized to accommodate both of the users hands at the first end of the shaft;
- c. A head having a diameter greater than the shaft and less than the head of a comparable baseball bat at the second end of the shaft;
- d. A stop on the shaft adjacent to the first handle; and
- e. A second handle movable between first and second positions and sized to accommodate all fingers on one of the user's hands in a batting grip.

The claimed process comprises gripping the first and second handles, swinging the trainer while simultaneously moving the second handle in the manner described, and producing an audible

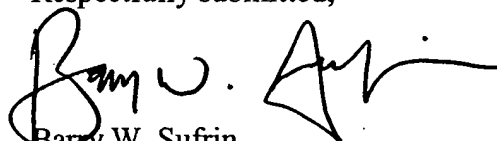
sound by striking the second handle against the stop. The remaining pending dependent claims are directed to further important details of the process.

In order to facilitate the examination of the pending claims, applicant is pleased to enclose a declaration of Jim Schwanke, a former professional baseball player and seasoned baseball coach who details the significant advantages of the method and apparatus of the present invention and provides compelling evidence that prior art relating to golf swing apparatus and teaching methods is not relevant to the present invention.

In addition to the declaration of Mr. Schwanke, there are also included letters from the owner/manager of a baseball academy (Mark Doran) and an experienced technology teacher/coach (Robert H. Bogdan) to further establish the unique advantages of the present method and apparatus. It is noted that these letters refer to the apparatus of the present invention by its trademark, "Zingbat".

It is requested that the Examiner give these materials careful consideration in examining the pending claims. If it is preferred that the letters provided by Messrs. Doran and Bogdan be submitted in affidavit form, it is requested that the Examiner telephone applicant's undersigned attorney and so indicate and declarations will be sought.

Respectfully submitted,


Barry W. Sufrin
Reg. No. 27,398

Docket No.: 205557-9008
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Enclosures